



MONTGOMERY COUNTY PLANNING DEPARTMENT
 THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB #
MCPB 7-24-08

MEMORANDUM

DATE: July 11, 2008
 TO: Montgomery County Planning Board
 VIA: Rose Krasnow, Chief *RK*
 Catherine Conlon, Subdivision Supervisor *CC*
 Development Review Division
 FROM: Erin Grayson, Senior Planner *EG*
 Robert A. Kronenberg, Supervisor *RAK*
 Development Review Division
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REVIEW TYPE: **Limited Preliminary Plan and Site Plan Amendments**
 CASE #: **11998093A and 81989049G**
 PROJECT NAME: Rock Spring Park
 APPLYING FOR: Amendment to 1) convert 18,000 square feet of office to a day care facility; and 2) modify the landscape to include an outdoor play area.

REVIEW BASIS: Div. 59-D-2.6 of Montgomery County Zoning Ordinance for Minor Plan Amendments

ZONE: I-3
 LOCATION: Located in the northwest quadrant of the intersection with Rockledge Drive and Fernwood Road
 MASTER PLAN: North Potomac/Garrett Park Master Plan
 APPLICANT: Rock Spring Park, LLC c/o Opus East LLC
 FILING DATE: June 23, 2008
 HEARING DATE: July 24, 2008

BACKGROUND

Preliminary Plan

The original Preliminary Plan for Rock Spring Park (119681450) allowed for site plan approval in 1989. When an amended Site Plan (81989049B) for Rock Spring Park was submitted in 1998, the original preliminary plan was no longer applicable under the Growth Policy at that time, and a new preliminary plan was required to test for adequate public facilities. This Preliminary Plan (119980930) for Rock Spring Park was presented to the Planning Board on November 12, 1998 for approval of 1 lot on 44.16 acres to accommodate 1,635,100 square feet of commercial office uses in the I-3 Zone. The Planning Board recommended approval of the plan. In a revised opinion dated June 30, 1999, conditions of approval are documented.

On January 24, 2002, the Planning Board granted an extension of adequate public facilities until June 30, 2011 for Preliminary Plan 199800930.

Site Plans

The Site Plan (819890490) for Rock Spring Park was presented to the Planning Board on April 11, 1991 (Planning Board Opinion dated April 17, 1991) for approval of 1,635,100 square feet (0.85 FAR) of commercial office in the I-3 Zone. The Certified Site Plan was approved on November 15, 1991.

An amended Site Plan (81989049A) for Rock Spring Park was presented to the Planning Board on November 12, 1998 (Planning Board Opinion dated February 22, 1999) for approval of 1,635,100 square feet (0.85 FAR) of commercial office in the I-3 Zone.

An amended Site Plan (81989049B) for Rock Spring Park was presented concurrently with the preliminary plan (119980930) to the Planning Board on January 24, 2002 for an extension of the validity period.

An amended Site Plan (81989049C) for Rock Spring Park was approved on February 27, 2004 to provide for an emergency generator for the office buildings.

An amended Site Plan (81989049D) for Rock Spring Park was approved on October 4, 2005 to modify the phasing, modify the building layout for building number 2 and make minor changes to the grading for the stormwater management facility.

An amended Site Plan (81989049E) for Rock Spring Park was approved on May 10, 2007 to change the size of the planters in the garage, make minor grading changes to the stormwater management facility, and increase the size of the street trees.

An amended Site Plan (81989049F) for Rock Spring Park was approved on September 27, 2007 to revise the footprint, massing and elevation of Buildings 1A and 1B, modify the footprints of parking structures no. 3 and 4 and revise the landscape and hardscape elements associated with the changes to the buildings and parking structure.

PUBLIC NOTICE AND COMMENT

The Applicant sent notice regarding the preliminary and site plan amendments to all parties of record on June 12, 2008. The notice gave the interested parties a minimum of 15 days to review and comment on the amended site plan.

Staff received two phone calls in support of the application with specific questions related to the timing of the facility.

STAFF RECOMMENDATION FOR PRELIMINARY PLAN AMENDMENT:

Staff recommends **Approval** of the proposed to Preliminary Plan Amendment No. 11998093A, subject to the following conditions:

- 1) Development of Rock Spring Park is limited to a maximum of 1,617,100 square feet for general office use and 18,000 square feet for a child day care facility.
- 2) All applicable previous conditions of approval as contained in the Planning Board Opinion dated June 30, 1999 remain in full force and effect, unless amended by this application.

Analysis of the Limited Amendment to the Preliminary Plan

Adequate Public Facilities

With Preliminary Plan Limited Amendment No. 11998093A, the Applicant proposes to reduce the total square footage of general office use from 1,635,100 square feet to 1,617,100 square feet. Such a reduction will allow for 18,000 square feet to be used for a child day care facility. This amendment generates the need for review of Adequate Public Facilities (APF). This includes Local Area Transportation Review and a Policy Area Mobility Review.

On June 9, 2008 the Applicant submitted a traffic statement to M-NCPPC Staff for APF review. The statement verified that the proposed day care facility would generate nine fewer new AM peak hour trips and five fewer new PM peak hour trips than the currently approved office space. Accordingly, a traffic study is not required to satisfy LATR because the change in land use results in equal or fewer peak-hour trips than generated by the previously-approved land use within the weekday AM & PM peak periods. The adequate Public Facilities approval was granted before January 1, 2007, and therefore, under the FY 2007-2009 Growth Policy a Policy Area Mobility Review (PAMR) is not required.

Master Plan Compliance

The conversion of 18,000 square feet of general office space within Rock Spring Park to day care use continues to comply with the recommendations of the *North Bethesda/Garrett Park Master Plan*. Two objectives for Rock Spring Park are to provide for reasonable expansion of existing office uses at Rock Spring Park and add residential and retail uses. The proposed amendment provides a valuable service for occupants of the existing office buildings and future development in Rock Spring Park.

STAFF RECOMMENDATION FOR SITE PLAN AMENDMENT:

Staff recommends **Approval** of the Site Plan Amendment (81990049G). The terms and conditions of all applicable prior regulatory approvals and agreements, including the approved Site Plan No. 81990049F, remain in full force and effect, except for the following modifications:

- 1) Convert 18,000 square feet of office use on lot 4 to a day care facility (10401 Fernwood Road); and
- 2) Modify the landscape plan to include an outdoor play area associated with the day care facility;

Analysis of the Limited Amendment to the Site Plan

The amendment proposes to convert 18,000 square feet of office space to a day care facility within the footprint of an existing office building (10401 Fernwood Road) located in the southeastern quadrant of the site on Lot 4. The proposed day care facility would be located on the eastern side of the existing building and the associated outdoor play facility would be located to the east of the same building. The approximate 7,400 square foot outdoor play area is situated within an existing green area and will have play areas suitable for the age groups associated with the day care. The outdoor play area is separated into Play Area 'A' (3,082 square feet) and Play Area 'B' (4,294 square feet) linked by a common walk to the building entrance. The areas will be fenced and include play equipment in each area and additional landscaping around the perimeter adjacent to the drive aisle.

The modifications to the plan and conversion of office to day care provide for a much needed use within an office-park setting.

The proposed amendment is consistent with the provisions of Section 59-D-2.6 of the Montgomery County Zoning Ordinance for Minor Plan Amendments. The amendment does not alter the intent, objectives, or requirements expressed or imposed by the Planning Board for the originally approved site plan.

ATTACHMENTS

- A. Letter from the Applicant dated June 10, 2008
- B. Site Vicinity and Description

ATTACHMENT A

June 10, 2008

Cindy Bar
301 664 7606
cindy.bar@hklaw.com

VIA HAND DELIVERY

Mr. Robert Kronenberg
Ms. Catherine Conlon
MNCPP-C
8787 Georgia Avenue
Silver Spring, Maryland

Re: Limited Site Plan Amendment-819⁸9049G
Limited Preliminary Plan Amendment-11998093A

Dear Mr. Kronenberg and Ms. Conlon:

On behalf of Rock Spring Children's Center we are requesting approval of a limited amendment to the existing approved preliminary and site plans in order to establish a day care center comprising a maximum of 18,000 square feet at the existing office building located at 10401 Fernwood Road in Bethesda, Maryland. The day care center will utilize this space instead of using it for office use.

The only impact that the inclusion of this use will have on the site plan is that an approximately 7500 square foot outdoor play area for the children will be constructed on the eastern side of the building. You have indicated that because of this minor revision to the plan a limited site plan amendment is required.

You have also indicated that since there is a change in use from office, which was specified in the Preliminary Plan Opinion, to a day-care center it is necessary to amend the Preliminary Plan Opinion/Resolution through a limited plan amendment. The I-3 zone allows day-care centers as a permitted use, but you have advised us that the Preliminary Plan Opinion/Resolution must be revised to reflect the day-care center use specifically. As you have instructed, we have made a note (new note 7) on the revised site plan that 18,000 square feet of office use will be converted to a day-care center.

In addition, we have prepared a traffic statement which compares the substitution of the 18,000 square foot day-care center for the equivalent office space. We met with Ed Axler of the Transportation division to agree on the parameters and methodology of the traffic statement. Wells & Associates then prepared the enclosed traffic statement which indicates that there will be fewer than 30 trips generated by the day-care center overall, and less traffic than would be

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generated by the equivalent office use. The statement also outlines the drop-off and parking areas that will be utilized for the day-care operation.

The following materials are also being submitted as part of this limited plan amendment request as requested by you:

1. Complete Site Plan Amendment Application
2. Complete Preliminary Plan Amendment Application.
3. Fee Schedule(s)
4. Two checks in the amounts of \$1,000.00 and \$2,250.00 representing the required fee for the limited preliminary plan amendment and limited site plan amendment, respectively.
5. Original Certified Site Plan and Opinion
6. Existing Conditions Plan and Original Preliminary Plan Opinion
7. Application Notice by Applicant
8. Adjacent Property Owners list
9. Five (5) sets of Amended Site Plan (redlined)
10. Five (5) sets of Amended Site Plan
11. Three (3) sets of Site Plan with notation on substitution of day-care center for office use.
12. Two (2) CDs with PDF of amended plans
13. Three (3) copies of the Traffic Statement

We would appreciate it if this matter can be scheduled before the Planning Board prior to the August recess. In addition, we would request that the Planning Board authorize that the building permit can be issued prior to the official adoption of an approval resolution and certification of the site plan in order to allow the applicant to do necessary work while the Board is in recess. These items could be required prior to issuance of the certificate of occupancy. As you know, the day-care center has a number of children who will need to utilize the Center in the fall and will face great difficulty if the Center is not available. We would very much appreciate your cooperation with this matter.

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If you have any questions, please do not hesitate to contact me at 301-664-7606.

Very truly yours,



Cindy Bar

cc: Mr. Shaun Rose
Mr. Justin Nonemaker
Mr. Don Bowers
Mr. Kevin Johnson
Mr. Michael Workosky
Mr. Joseph A. Winterer

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Site Description and Vicinity

The 44.16-acre property is bounded by Fernwood Road to the south, Rock Spring Drive to the southeast and Rockledge Drive wrapping the northern and western boundaries. I-270 is located directly west of the site with a ramp connecting to Fernwood Road. The site is zoned I-3. Westfield Montgomery Mall is located ½ mile to the south and west with direct access from Fernwood Road. The site contains a number of mature trees and a recorded transit easement along the frontage of Fernwood Road and Rock Spring Drive.

The site currently contains three office buildings and a parking structure to accommodate the office tenants. Primary access to the office buildings exists from Rockledge Drive and Rock Spring Drive. The present construction accommodates two additional office buildings and a parking garage in the northwestern quadrant of Rockledge Drive. A stormwater management facility, which will also function as an amenity for the office park, is under construction in the center of the site.

